IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 22941 of 2004

Between:

Goulikar Shivashanker, S/o. Late Anantharam,
R/o. H.No. 13-3-595, B.5.12, Jiyaguda (East),

Durganagar, Karwan, Hyderabad.

PETITIONER

AND

1 The Grampanchayat, Kummera Village,

Chevella Mandal, R.R. District, Rep. by its Sarpanch K.

Ramchandraiah.
2 The Rural Water Sanitary Committee, Kummera Village, Chevella

Mandal, Rangareddy District, Rep. by its Chairman.
3 The Deputy Executive Engineer, Panchayatraj, Rural Water Supply, Chevella Division, At Chevella.
4 The Superintendent Engineer, Panchayat Raj, Rural Water Supply, Office at Uppal, R.R. district.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in trying to interfere, encroach and construction of the Water Tank over the land in sy.No. 142.2 admeasuring 6 guntas belonging to the petitioner at Kummera Village, Chevella Mandal, R.R. District, as illegal, unlawful, arbitrary and against the Article 300A of the Constitution of India and contrary to the decree in O.S.No.41 of 2004 on the file of Junior Civil Judge, Chevella and consequently direct the respondents to shift the proposal of construction the Water Tank in the open space

belonging to the Government at Grampanchayat Office of Kummera and pass such other order or orders

Counsel for the Petitioner: MR.M.DAMODAR REDDY

Counsel for the Respondent No.1: Smt. Jyothi Eswar Gogineni

Counsel for the Respondent No.2 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The case of the petitioner is that he is the absolute owner and possessor of land in Sy. No. 142.2 admeasuring Ac.0-06 guntas at Kummera village, Chevella Mandal, Rangareddy District, out of total extent of 13 guntas in Sy. No. 142. and the rest of the land fell to the share of his brother G.Hari Shanker. When one K.Ramchandraiah, Sarpanch of his village started interfering with the his possession, he filed OS No. 41/2004 which was decreed on 16.9.2004. The Member of Legislative Assembly, Chevella, by letter dated 20.5.2004, also asked the Mandal Revenue Officer not to construct any water tank in his land. But when the first respondent misrepresenting the respondents 2 to 4, with mala fide intention again proposed to construct the water tank, the petitioner came up with this writ petition.

On receipt of rule nisi, the first respondent filed counter affidavit admitting filing of OS No. 41 of 2004 and the passing of the decree. Apart from other averments, it is further stated that the first respondent – Gram Panchayath is ready to measure the site with the assistance of Mandal Surveryor, to put an end to this lis. It is alleged that the petitioner and his brother are trying to grab Ac.0.07 guntas of land belonging to the Gram Panchayat by filing one suit or the other.

Having regard to these facts, to resolve the controversy and since the first respondent Gram Panchayath has come forward to get the site measured with the assistance of Mandal Surveyor, I deem it appropriate to direct both the parties to get the site surveyed by the Mandal Surveyor, by fixing a date at the convenience of the parties. With these directions, the writ petition stands

disposed of. No order as to costs.

Elipe Dharma Rao, J.

June 8, 2005

MAS.

To

1 The Grampanchayat, Kummera Village,

Chevella Mandal, R.R. District, Rep. by its

Sarpanch K. Ramchandraiah.
2 The Chairman, Rural Water Sanitary Committee,

Kummera Village, Chevella Mandal, Rangareddy District.
3 The Deputy Executive Engineer,

Panchayatraj, Rural Water Supply,
Chevella Division, At Chevella.
4 The Superintendent Engineer,

Panchayat Raj, Rural Water Supply,
Office at Uppal, R.R. district.

5. The Govt. Pleader for Panchayath Raj & Rural Development

AP High Court Buildings, Hyderabad.

6. 2 CD copies

*Form-NIC-OGS/WP{**SPJS**}*